



Rick Rogers/R3/USEPA/US
06/04/2004 01:06 AM

To George Rizzo/R3/USEPA/US@EPA
cc
bcc
Subject draft 2004 performs plan

attached is a draft 2004 performs plan. Please look it over and we can discuss when we meet for the 2003 and 2004 mid-year performance discussions.

Thanks,

Rick



GR 2004 performs.wp

(b) (5)



{In Archive} For Discussion - Response Plan for DC Lead

Rick Rogers to: George Rizzo

02/17/2004 10:34 AM

From: Rick Rogers/R3/USEPA/US
To: George Rizzo@EPA
Archive: This message is being viewed in an archive.

Here's the plan Jon draft - a higher level action plan than the detailed one Vicky drafted. Again, this is likely to change.

Here are the items that I need you to attend to as top priorities:

- Under Hot Issue Management - response to Marc Edwards report as mentioned in the other message I sent.

• (b) (5)

Please use this folder to store documents on this issue. Feel free to make sub-folders in this directory as you see fit.

Thanks,

Rick

----- Forwarded by Rick Rogers/R3/USEPA/US on 02/17/2004 10:23 AM -----



Jon Capacasa
02/15/2004 10:28 PM

To: Rick Rogers/R3/USEPA/US@EPA, Victoria
Binetti/R3/USEPA/US@EPA
cc:
Subject: For Discussion - Response Plan for DC Lead 📎

Here is a draft Response Plan (i.e. master list of what we have on our plate to do right now) for the DC Lead matters.

Let's review for completeness on the call, and seek to make clear assignments between tomorrow and Tuesday's meeting. Thanks,



. masteraction list 2004.wp



{In Archive} Response Plan - ver 2
Rick Rogers to: George Rizzo
Cc: Victoria Binetti

02/17/2004 10:22 AM

From: Rick Rogers/R3/USEPA/US
To: George Rizzo@EPA
Cc: Victoria Binetti@EPA
Archive: This message is being viewed in an archive.

George,

This is Vicky's version of our internal action plan for the DC lead in drinking water issue. I'm also going to send you an internal action plan that Jon draft up for the Region's Internal DC Lead Action Team. Based on a discussion of both of these plans, there will be revisions made to both of them, if not a full merging of the two into one document.

(b) (5)

I'm sure that there are other things you'll be involved in on this plan. The above items are those on which I

need your immediate attention. A few others might rise to the surface at the 3:00 pm meeting

Thanks,

Rick

----- Forwarded by Rick Rogers/R3/USEPA/US on 02/17/2004 09:13 AM -----



Jon Capacasa

02/16/2004 01:33 PM

To: Rick Rogers/R3/USEPA/US@EPA, Victoria
Binetti/R3/USEPA/US@EPA

cc:

bcc:

Subject: Response Plan - ver 2



DC Plan Level 2.1.wpx Here is a slightly modified 2.1 version of the Response Plan Vicky prepared. Very helpful thanks.

On the call I can highlight some items from my earlier draft that need to be added.

And we need to tighten up leads, assignments and dates where we can so it is useful as a plan for the entire Team.

Talk with you soon.



Rick Rogers

02/06/2004 01:57 AM

To: George Rizzo@EPA, Victoria Binetti@EPA

CC:

Subject: davis letter draft

here's my first cut.

I ran out of gas and didn't come up with a creative closing paragraph.

I think we may be able to bolster the "things we've already done" section - perhaps, George, in the paragraphs you've put together to answer questions 11, 12, and 13 you have included more.

George, please add your pieces, and PK's that I forgot to take home, and get the revised version to Vicky ASAP.



Davis response letter.wp

(b) (5)



{In Archive} WASA PE report
Rick Rogers to: George Rizzo
Cc: Victoria Binetti

10/26/2004 11:58 AM

From: Rick Rogers/R3/USEPA/US
To: George Rizzo@EPA
Cc: Victoria Binetti@EPA
Archive This message is being viewed in an archive.

George,

Can you take a look at this? I'll try to check it out later today, but send your comments directly to Lisa.
Thanks.

----- Forwarded by Rick Rogers/R3/USEPA/US on 10/26/2004 11:57 AM -----



Lisa Donahue
10/26/2004 11:02 AM

To: Rick Rogers/R3/USEPA/US@EPA
cc:
Subject: WASA PE report

Rick,
Karen gave you a hard copy of WASA's submittal. Here is my review in draft form. Can you review it?
Once we have your OK, I'll sign the final to file.
thank you.
Lisa



PE report 26 oct 04 review wpd.w

•UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

SUB- JECT: District of Columbia Water and Sewer Authority
(WASA) Lead and Copper Rule Public Education (PE)
Requirements (40 CFR §141.85)

FROM: Lisa M. Donahue, Environmental Scientist (3WP32)

TO: File

THRU: Karen D. Johnson, Chief
Safe Drinking Water Act Branch (3WP32)

Compliance Period: Oct 2003 - Sept 2004, as reported in letter of 6 Oct 2004 from Karen DeWitt to Karen Johnson. The letter was resent in amended form on October 25, 2004.

Requirements and WASA responses:

- §141.85 (a) contains standard language for an informational brochure to be distributed to customers and others. DCWASA published "An Information Guide on Lead in Drinking Water: An Update", dated September 2004, for distribution to customers and other parties. The English version of the brochure is Exhibit A-1 attached to report letter; the Spanish version is Exhibit B-3. DCWASA included details and information in excess of the minimum language required by the regulations. This language included specific flushing instructions for DC residents that have lead service lines and information about WASA's lead service line replacement schedule. The brochure's language was supplemented with illustrations and pictures to show activities and emphasize points. On July 13, 2004, WASA requested approval to modify the language of 40 CFR 141.85 pursuant to the Administrative Order. On or about July 19, 2004, EPA provided comments on the alternative language, thereby approving the modifications. Because of the heightened public attention and public health concerns, WASA used alternate language such as that language that directed a longer flushing time than established in the regulatory language.
- §141.85 (b) contains standard language for a Public Service Announcement for broadcast through radio and television outlets. WASA's February 27, 2004, PSA, Exhibit E-1, contains extensive revisions to the standard language to address immediate public education needs in the District in February. For example, the DC Department of Health issued a health advisory that WASA incorporated into its PSA recommends that children under 6, and pregnant and nursing women not drink unfiltered tap water. WASA's August 5, 2004, PSA, Exhibit D-1, contains the standard language as prescribed in the

Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.

Customer Service Hotline: 1-800-438-2474



- §141.85 (c) outlines the distribution requirements for published and broadcast public education materials.
 - (c)(1) requires that materials be provided in additional languages as needed. WASA published the information brochure in English Spanish and made both version available through the web site. The brochure also contains language written in Chinese, Korean and Spanish directing individuals to community resources which can assist them in translating the document. Cassette recordings were made available for the vision-impaired. The PSA and its cover letter were written in both English and Spanish for distribution to radio and television stations. Some stations and newspapers are in Spanish.
 - (c)(2)(i) requires that a notice be placed on the water bill. An example containing the standard language is included in Exhibit A-1. This language was placed on the September 2004 water bill to accompany the bill insert.
 - (c)(2)(ii) requires that the brochure be distributed to the editorial departments of major newspapers in the community. Exhibit C-1 contains an example of the distribution letter that was sent to the *The Washington Post* and the *The Washington Times* editorial boards along with the brochure. The letter was sent September 14, 2004.
 - (c)(2)(iii) requires that the brochure be distributed to facilities and community organizations, including at least 5 radio and television stations that broadcast in the area. Exhibit B-1 contains the list of organizations to which WASA sent the informational brochure. The cover letter, dated September 23, 2004, is Exhibit B-2. Exhibit D-3 contains the cover letter to radio and television stations requesting that they air the PSA. The number of stations far exceeds the minimum of 5 stations.
 - (c)(3) requires that the PSA be distributed every 6 months. WASA submitted a PSA to EPA on February 27, 2004. EPA replied that same day that the PSA was not acceptable because it did not include the advisory issued by the DC Department of Health. A revised PSA (Exhibit E-3), also dated February 27, 2004 was developed and distributed to stations listed in Exhibit E-2. The cover letter is Exhibit E-4. The next PSA (Exhibit D-1) was distributed again to many radio and television stations throughout the DC Metro Area (Exhibit D-2).
 - (c)(6) indicates that PE requirements may be discontinued if the Action Level is met in the most recent monitoring period. Thus far in 2004, WASA has not met the AL, and thus must continue the every 6 and 12 month requirements of §141.85.
- ◆ §141.85 (d) requires that the system offer supplemental monitoring to the customers. WASA offers free water testing for single family residences.

Conclusion:

(b) (5)

{In Archive} Re: WASA Final Financial Slides
Rick Rogers to: George Rizzo

05/27/2004 06:56 AM

From: Rick Rogers/R3/USEPA/US
To: George Rizzo/R3/USEPA/US@EPA
Archive: This message is being viewed in an archive.

Cassandra was very clear that we were not to contact WASA for cost estimates because this is in relation to their enforcement case on the wastewater side.

If we don't know the answer, she'll have to find it some other way.

Do we have any annual reports that may break out revenue sources?

EPA Wireless E-Mail Services.
George Rizzo

From: George Rizzo
Sent: 05/26/2004 04:48 PM
To: Rick Rogers/R3/USEPA/US@EPA
Subject: Re: WASA Final Financial Slides

Rick,

I called Chuck Fogg to see if he knew the answer but he didn't. Cassandra's presentation file was not forwarded in your e-mail. I called her and she will send a copy to me later this evening. Once I get a look at it in the morning and can get a better idea of what's needed, I can call WASA and get an answer. I'll let you and Cassandra know what I find out.

George



Victoria Binetti

02/23/2004 02:17 PM

To: Rick Rogers/R3/USEPA/US@EPA

cc:

Subject: FW: Lead letter DOH (From Daniel Lucey, Interim Chief Health Officer)

FYI.-Vicky

Victoria P. Binetti
Associate Director for Municipal Assistance (3WP20)
Water Protection Division
U.S. Environmental Protection Agency, Region III

Phone: (215) 814-5757

Fax: (215) 814-2318

----- Forwarded by Victoria Binetti/R3/USEPA/US on 02/23/2004 02:17 PM -----



Jon Capacasa

02/23/2004 01:27 PM

To: Rich Kampf/R3/USEPA/US@EPA, Donald

Welsh/R3/USEPA/US@EPA, Cynthia

Dougherty/DC/USEPA/US@EPA

cc: Gail Tindal/R3/USEPA/US@EPA, Victoria

Binetti/R3/USEPA/US@EPA, Veronica Blette/DC/USEPA/US@EPA

Subject: FW: Lead letter DOH (From Daniel Lucey, Interim Chief Health Officer)

Internal Use Only - Deliberative

ACTION ALERT:

Below is the near final version of a Dept of Health letter to the lead service line customers in DC. We have commented heavily on earlier drafts. You should note that this Consumer Alert information differs on one main point from what is on the web site in the area of precautions for children and pregnant women. DOH includes a statement that persons in this category should not be consuming the water from the tap.

If we have any issue with this precaution as an Agency, we need to escalate a call to Dr Lucey or the City Administrator as soon as possible. The consumer advice represents the outcome of a debate among health professionals in DOH over the last few days.

I understand that the WASA board is meeting tomorrow and will likely take up the point of offering point of use treatment devices or some other form of alternate water to high testing sites. I can not predict the outcome of that though consumers will surely demand some compensation or alternates.

----- Forwarded by Jon Capacasa/R3/USEPA/US on 02/23/2004 01:13 PM -----



"Collier, James"

<jacollier@dchealth.com>

02/23/2004 10:34 AM

To: Jon Capacasa/R3/USEPA/US@EPA, Victoria
Binetti/R3/USEPA/US@EPA

cc:

Subject: FW: Lead letter DOH (From Daniel Lucey, Interim Chief Health Officer)

-----Original Message-----

From: Simms, Karen

Sent: Monday, February 23, 2004 10:11 AM

To: Buford, James; Stokes, Lynette; Collier, James; 'edward.reiskin@dc.gov'; 'amaier@dccouncil.us'; 'Elizabeth.Berry@dc.gov'; 'james.collier@dc.gov'; 'danthony@dccouncil.gov'; 'billrumsey@dccouncil.us'; 'Dan.Tangherlini@dc.gov'; Faggett, Walter; 'lori.parker@dc.gov'; 'gerstell@milbank.com'; 'Ayann.Lee@dc.gov'; 'mjb5@cdc.gov'; 'pwheeler@dcwasa.com'; 'mmarcotte@dcwasa.com'; 'john.deatrick@dc.gov'; 'gjohnson@dcwasa.com'; 'Alesal_Gibbs@dcwasa.com'; 'Debra_Mathis@dcwasa.com'; 'LindamManley@dcwasa.com'; 'barbara.childs-pair@dc.gov'; 'margaret.kellums@dc.gov'; 'robert.bobb@dc.gov'

Cc: 'daniel.r.lucey@medstar.net'; Simms, Karen

Subject: FW: Lead letter DOH (From Daniel Lucey, Interim Chief Health Officer)

Importance: High

Please find in the attached document for your comments, a two (2) page letter under the signature block of the Department of Health Interim Chief Medical Officer to all 23,000 DC residents with lead service lines carrying their drinking water.

This single letter, limited to two (2) pages:

1. Provides one message on the first page to all 23,000 residences about flushing of the water to reduce lead risk. Does WASA agree with each and every recommendation about the duration and examples of flushing?
2. Provides one message on the first page to all 23,000 residences about precautions for children under 6 years and women who are pregnant. Focuses on these two vulnerable populations in terms of not drinking the water at this time, and does not include other children and adults.
- 2a. I discussed this point further after the lead Task Force meeting last Thursday with Dr. Stokes of DOH and with the DCD/ATSDR lead expert whom I have asked to consult and to visit us at DOH this week.
3. Gives the rationale in the initial paragraph for these uniform messages to all 23,000 residences.
4. Gives at the bottom of page one and page two what is needed in general terms for DOH to reevaluate our recommendations as we obtain more information from ongoing tests of water and blood lead levels.
5. Underscores the importance of looking for sources of lead paint in the environment of any person who has an elevated blood lead level, rather than simplistically blaming the blood level on a water exposure.
6. Emphasizes the importance of getting blood lead levels done on children less than six years and pregnant women and making the results available to the DOH if not performed at our DOH lab.
7. Addresses home water treatment devices certified to remove lead, and bottled water lead issues.

Please e-mail any comments so that I can sign the finalized letter on behalf of the DOH team working on this complex issue and we can mail this letter out ASAP this week.

Thank you very much,

Daniel R. Lucey, MD, MPH
Interim Chief Health Officer
DC Department of Health
Tele: 202 442 5938 or 202 442 5999

Fax: 202 442 4795

-----Original Message-----

From: Daniel.R.Lucey@Medstar.net [mailto:Daniel.R.Lucey@Medstar.net]

Sent: Monday, February 23, 2004 9:34 AM

To: ksimms@dchealth.com

Subject: Lead letter DOH



New DOH LEAD letter.doc

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Health



Office of the Director

Dear Resident:

The District of Columbia Water And Sewer Authority (DC WASA) has identified your residence as one of approximately 23,000 that probably has a lead service line that brings drinking water into your residence. DC WASA has tested approximately 6,000 of these residences so far and about two-thirds of them are above the Environmental Protection Agency (EPA) action level of 15 parts per billion (ppb), and one-third are below the action level. At this time, however, the Department of Health is not certain that a DC residence with a lead service line that tests below this EPA action level at any given time will test repeatedly below this same action level at other times. Therefore, out of an abundance of caution the Department of Health is providing advice in this letter for all residences which have lead service lines, and specific advice for all children under the age of six years and women who are pregnant living in these 23,000 residences.

When your water is not used for a period of time, such as overnight, it may pick up increased amounts of lead from the lead service line or from your internal home plumbing. Thus, in conjunction with WASA, the Department of Health recommends ways to decrease this lead risk:

- *Draw water for drinking or cooking after other high water use activities, such as bathing, showering, flushing the toilet, or washing your clothes, so that a total of at least 10 minutes of flushing water from your lead service pipes has occurred.*
- *Flush your kitchen tap for 60 seconds, then collect drinking water in containers and store them in the refrigerator. About once a month, remove and clean the strainer/aerator device on your faucet to remove debris.*
- *Cold water should be used for drinking or cooking, as hot water will contain higher levels of lead. Cold water should be heated for making hot beverages or cooking. Do not use the water from the hot water faucet for drinking or cooking.*

Additional recommendations for children under six years and pregnant women

Young children under six years of age and the unborn fetus are especially vulnerable to the damaging effects of lead. Therefore, given our current state of information, we make the following additional recommendations. **Children under six years and women who are pregnant should not drink the water, or use it to prepare infant formula or concentrated juice, in any of these 23,000 residences until the concerns regarding the lead levels in the water have been resolved.** We recommend that all children under six, and women who are pregnant, be screened for blood lead levels at this time. The results of these tests can be analyzed by the Department of Health to define the relationship between specific water lead levels and specific blood lead levels. Once this relationship is defined then we will reevaluate our recommendations about water precautions in these 23,000 residences. To obtain free blood lead levels, or more information, you can contact the Department of Health at (202) 535-2626, 535-2624, or 535-2690. We ask that results of blood lead levels performed at other laboratories be provided to us as soon as possible.

Home water treatment devices and bottled water: Potential ways to decrease lead exposure

If you consider purchasing a home drinking water treatment device, please take some time and purchase wisely because not all devices remove lead. Although the DC Department of Health does not certify nor endorse specific home drinking water treatment devices, you should purchase a treatment device certified to remove lead by an independent testing organization, such as the National Sanitation Foundation International (www.nsf.org/certified/DWTU) or the California Dept. of Health Services (www.dhs.cahwnet.gov/ps/ddwem/technical/certification/devices.html). Choose a "point-of-use" device that will be used after potentially lead-leaching plumbing components. **Point-of-use devices must be installed and operated according to manufacturers' instructions. Improperly installed devices or devices that are not maintained in accordance with the manufacturer's instructions may create their own problems with your water.**

Bottled water is regulated by the U.S. Food and Drug Administration. Since not all bottled water is systematically tested for lead, if you decide to use bottled water you should use water that has the International Bottled Water Association or the National Sanitation Foundation logo, for example, because this water is certified to be well below the EPA action level for lead.

Lead paint as another potential source of lead-exposure in the home

Lead paint was used prior to 1978 to paint the interior of homes, and exterior woodwork such as windows, doors, and porches. Lead paint is the most commonly identified problem when a child has elevated blood lead levels. In general, blood lead levels are higher due to lead paint than due to lead in drinking water. Therefore, we believe that any of the 23,000 residences in which a person is found to have an elevated blood lead level must also be tested for the presence of lead-based paint. Together we can work to get the lead out of DC homes wherever it is found. For example, peeling or flaking paint should be considered hazardous to a child until the paint is tested. Adults must use special precautions when removing the paint. Lead-based paint dust is hazardous if inhaled or ingested. Plastic window blinds made outside the United States may have a high lead content.

Remember: Lead can cause adverse health effects to the developing brain of a fetus or young child, to the red blood cells that carry oxygen throughout the body, to the kidneys and to other parts of the body. Current medications are not of benefit unless the blood lead levels are very high, as occurs much more often from lead in paint than lead in drinking water.

Lead service line replacement

DC WASA has been testing and replacing lead service lines in the District of Columbia. They will continue to do so, while working with the Department of Health and EPA. You may wish to visit EPA's website www.epa.gov/region3/leaddc.htm for information on lead in drinking water.

We will continue to communicate with you as we obtain more information from ongoing tests of water and blood lead levels. We will keep you informed of any updated recommendations based on these ongoing tests. Our primary concern is the health of the people of the District of Columbia.

Sincerely yours,

Daniel R. Lucey, M.D.

Interim Chief Medical Officer



{In Archive} Re: FW: Lead letter DOH (From Daniel Lucey, Interim Chief Health Officer)

Patrick Boyle to: Roy Seneca

02/24/2004 07:53 AM

Cc: Rick Rogers, Victoria Binetti, Thomas Damm

From: Patrick Boyle/R3/USEPA/US
 To: Roy Seneca/R3/USEPA/US@EPA
 Cc: Rick Rogers/R3/USEPA/US@EPA, Victoria Binetti/R3/USEPA/US@EPA, Thomas Damm/R3/USEPA/US@EPA
 Archive: This message is being viewed in an archive.

Roy,

I think we need something like you wrote last week...that we support the Health Department's advice on health matters.

----- Forwarded by Patrick Boyle/R3/USEPA/US on 02/24/2004 07:51 AM -----

Thomas Damm
 02/23/2004 04:46 PM

To: Patrick Boyle/R3/USEPA/US@EPA
 cc: Rich Kampf/R3/USEPA/US@EPA
 Subject: Re: FW: Lead letter DOH (From Daniel Lucey, Interim Chief Health Officer)

Please have Roy prepare a desk statement on this. Rick Rogers can help. Thanks.

----- Forwarded by Thomas Damm/R3/USEPA/US on 02/23/2004 04:45 PM -----



Rich Kampf
 02/23/2004 01:41 PM

To: Jon Capacasa/R3/USEPA/US@EPA, Thomas Damm/R3/USEPA/US@EPA, Nan Ides/R3/USEPA/US@EPA
 cc: tindal.gail@epa.gov@EPA, Shawn Garvin/R3/USEPA/US@EPA
 Subject: Re: FW: Lead letter DOH (From Daniel Lucey, Interim Chief Health Officer)

I talked with Don about this. We need to be prepared with a desk statement from us when this runs.

Richard J. Kampf
 U.S. EPA Region 3
 Chief of Staff
 215-814-2105
 215-814-2901(fax)
 Jon Capacasa



Jon Capacasa
 02/23/2004 01:27 PM

To: Rich Kampf/R3/USEPA/US@EPA, Donald Welsh/R3/USEPA/US@EPA, Cynthia Dougherty/DC/USEPA/US@EPA
 cc: Gail Tindal/R3/USEPA/US@EPA, Victoria Binetti/R3/USEPA/US@EPA, Veronica Blette/DC/USEPA/US@EPA
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Internal Use Only - Deliberative

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"Collier, James"
<jacollier@dchealth.com>

02/23/2004 10:34 AM

To: Jon Capacasa/R3/USEPA/US@EPA, Victoria
Binetti/R3/USEPA/US@EPA

cc:

Subject: FW: Lead-letter DOH (From Daniel Lucey, Interim Chief Health Officer)

-----Original Message-----

From: Simms, Karen

Sent: Monday, February 23, 2004 10:11 AM

To: Buford, James; Stokes, Lynette; Collier, James; 'edward.reiskin@dc.gov'; 'amaier@dccouncil.us'; 'Elizabeth.Berry@dc.gov'; 'james.collier@dc.gov'; 'danthony@dccouncil.gov'; 'billrumsey@dccouncil.us'; 'Dan.Tangherlini@dc.gov'; 'Faggett, Walter'; 'lori.parker@dc.gov'; 'gerstell@milbank.com'; 'Ayann.Lee@dc.gov'; 'mjb5@cdc.gov'; 'pwheeler@dcwasa.com'; 'mmarcotte@dcwasa.com'; 'john.deatrick@dc.gov'; 'gjohnson@dcwasa.com'; 'Alesal_Gibbs@dcwasa.com'; 'Debra_Mathis@dcwasa.com'; 'LindamManley@dcwasa.com'; 'barbara.childs-pair@dc.gov'; 'margaret.kellums@dc.gov'; 'robert.bobb@dc.gov'

Cc: 'daniel.r.lucey@medstar.net'; Simms, Karen

Subject: FW: Lead letter DOH (From Daniel Lucey, Interim Chief Health Officer)

Importance: High

Please find in the attached document for your comments, a two (2) page letter under the signature block of the Department of Health Interim Chief Medical Officer to all 23,000 DC residents with lead service lines carrying their drinking water.

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2. Provides one message on the first page to all 23,000 residences about precautions for children under 6 years and women who are pregnant. Focuses on these two vulnerable populations in terms of not drinking the water at this time, and does not include other children and adults.

2a. I discussed this point further after the lead Task Force meeting last Thursday with Dr. Stokes of DOH and with the DCD/ATSDR lead expert whom I have asked to consult and to visit us at DOH this week.

3. Gives the rationale in the initial paragraph for these uniform messages to all 23,000 residences.

4. Gives at the bottom of page one and page two what is needed in general terms for DOH to reevaluate our recommendations as we obtain more information from ongoing tests of water and blood lead levels.

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7. Addresses home water treatment devices certified to remove lead, and bottled water lead issues.

Please e-mail any comments so that I can sign the finalized letter on behalf of the DOH team working on this complex issue and we can mail this letter out ASAP this week.

Thank you very much,

Daniel R. Lucey, MD, MPH
Interim Chief Health Officer
DC Department of Health
Tele: 202 442 5938 or 202 442 5999
Fax: 202 442 4795

-----Original Message-----

From: Daniel.R.Lucey@Medstar.net [mailto:Daniel.R.Lucey@Medstar.net]

Sent: Monday, February 23, 2004 9:34 AM

To: ksimms@dchealth.com

Subject: Lead letter DOH



New DOH LEAD letter.doc



{In Archive} Interview by Dept. of Labor
George Rizzo to: Rick Rogers, Yvette Roundtree

05/08/2003 10:47 AM

From: George Rizzo/R3/USEPA/US
To: Rick Rogers/R3/USEPA/US@EPA, Yvette Roundtree/R3/USEPA/US@EPA
Archive This message is being viewed in an archive.

Rick and Yvette,

Yesterday I had a 30 minute telephone conversation with Jack Rudzki, Regional Investigator for the U.S. Department of Labor, concerning the claim filed by

(b) (5)

Please let me know if you have any questions about this matter. Thanks.

George



Rick Rogers/R3/USEPA/US
07/15/2005 08:49 AM

To George Rizzo@EPA
cc Jennie Saxe/R3/USEPA/US@EPA
bcc
Subject Fw: Jan - June compliance sampling - latest version with letter

George,

we'll need your input on this, too.

Rick

----- Forwarded by Rick Rogers/R3/USEPA/US on 07/15/2005 08:49 AM -----

KarenD
Johnson/R3/USEPA/US
07/15/2005 08:44 AM

To Rick Rogers/R3/USEPA/US@EPA, Jennie
Saxe/R3/USEPA/US@EPA
cc
Subject Fw: Jan - June compliance sampling - latest version with letter

FYI and review. Here are our comments so far on the Jan to June Pb/Cu data package. Please forward any additional comments to Lisa and I so they can be included. Thanks!

----- Forwarded by KarenD Johnson/R3/USEPA/US on 07/15/2005 08:43 AM -----

Lisa Donahue/R3/USEPA/US
07/14/2005 02:45 PM

To KarenD Johnson/R3/USEPA/US@EPA, Stefania
Shamet/R3/USEPA/US@EPA
cc

Subject Jan - June compliance sampling - latest version with letter

Karen, Stef wanted to review this before it went out. Here are the latest versions. copper comment is the 2nd bullet and is also in the cover letter. make changes as you see fit. I'm not in until Tuesday, but you can track me down on home/cell. btw, I happened to see Jon in the lobby and mentioned it to him. if you don't have Rich's email when its ready to go: its richard.giani@dcwasa.com

Here is the electronic version of a letter w/attachments



list review Qs for WASA.xls Comments on DCWASA Jan-july 05 data.doc comp review ltr to wasa.doc

Lisa

Handwritten signature and initials, possibly "Lisa" and "DK".

Compliance Review List for Jan - June 2005 data

Routine monitoring list Jan - June 05 (from Jul plan, Appx C table1) merged with Appx B: all results collected under WQ pgm; Appx E: bottles dropped but no sample collected; and Appx H: removed from list due to owner request, full LSLR, non-LSL, or no participation.

Legend:

yellow= bottles dropped but no cust ret. From 1st sem rpt appx E, p 59

bold = randomly generated locations from Jan-June 05 routine list

rose= locations not included in compliance because don't meet Tier 1 Appx B

red text= locations not on routine list but sampled.

green text/yellow = locations listed in appx E but not on 'routine list'

blue text = appx H, p 88 dropped locations

Address	Quadrant	Pipe Material	Jan-June 05 results	Comments
b6: Home Addresses	NE	Lead	3	
	NE	Lead		Not listed in appx E. Why not?
	NE	Lead	0	
			no sample collected in 2 semesters	this location was not on the routine list for Jan- June 05. Why was it in Appx H?
	SE	Copper		
	NE	Lead	2	
	SE	Lead	8	
	NE	Lead		
	NE	Lead		Not listed in appx E. Why not?
	NE	Lead	5	
	NW	Lead	0	
	NW	Lead	6	
	NE	Lead		Not listed in appx E. Why not?
	SE	Lead		
	SE	Lead	12	
	NE	Lead		Not listed in appx E. Why not?
	NE	Lead		Not listed in appx E. Why not?
	NW	Lead		Not listed in appx E. Why not?
	SE	Unknown	2	
	NE	Lead	7	
	SE	Lead	3	
	NE	Lead to full copper	4	Full LSLR. confirm date of full LSLR wrt sample date of 2/3/05
			4	How did WASA determine that this was not tier 1?

Legend:

yellow= bottles dropped but no cust ret. From 1st sem rpt appx E, p 59

bold = randomly generated locations from Jan-June 05 routine list

rose= locations not included in compliance because don't meet Tier 1 - Appx B

red text= locations not on routine list but sampled.

green text/yellow = locations listed in appx E but not on 'routine list'

blue text = appx H, p 88 dropped locations

Address	Quadrant	Pipe Material	Jan-June 05 results	Comments
b6: Home Addresses	SE	Full Copper	Replaced after lead sample	this location was not on the routine list for Jan- June 05. Why was it in Appx H?
	NW	Lead		Not listed in appx E. Why not?
	SE	Lead	2	
	SE	Unknown	15	
	SE	Lead		Not listed in appx E. Why not?
			4	
			2	How did WASA determine that this was not tier 1?
	NW	Lead	7	
	NW	Lead	3	
	NW	Copper	Passed this semester	no data this semester. Conflicts with Appx H statement
			3	How did WASA determine that this was not tier 1?
	SE	Lead		Not listed in appx E. Why not?
	SE	Lead		Not listed in appx E. Why not?
	NE	Unknown	8	
			0	
	NW	Lead	3	full LSLR prior to sampling. confirm date of full LSLR wrt sample date of 2/4/05. Also How did WASA determine that this was not Tier 1?
			3	
	NW	Copper	8	Passed this semester. OK
	NW	Unknown/Lead	2	Stopped volunteering OK
	NW	Unknown		
	SE	Lead		
	NW	Lead	4	
	NW	Lead	16	
	SE	Copper	Passed this semester	no data this semester. Conflicts with Appx H statement
	SE	Lead		

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green text/yellow = locations listed in appx E but not on 'routine list'

blue text = appx H, p 88 dropped locations

Address	Quadrant	Pipe Material	Jan-June 05 results	Comments
b6: Home Addresses	NW	Lead		Not listed in appx E. Why not?
	NW	Lead	9	
	NW	Copper		Full LSLR OK. Was it incorrectly ID'd as copper prior to LSLR?
	NE	Lead		Not listed in appx E. Why not?
	SE	Lead		Not listed in appx E. Why not?
	NW	Copper		
	NW	Copper	4	
				Why is this location listed in appx E, when it only appears as a new location for July-Dec 05 (and not in any list for Jan-June 05)?
	NW	Copper		
	NW	Copper	4	
	NW	Lead	5	
	NW	Copper	20	
	NE	Lead	2	
	NW	Lead	13	Which address is it?
	NW	Lead		
	NW	Unknown	5	
	NW	Lead		Not listed in appx E. Why not?
	NW	Unknown		
	NE	Lead	1	
	NW	Lead	4	
	SE	Lead	0	
	SE	Copper		no sample collected in 2 semesters OK
	NE	Lead		Not listed in appx E. Why not?
	NW	Lead	0	
	NW	Unknown		
	NW	Lead		Not listed in appx E. Why not?
	SE	Unknown	2	
	NW	Lead	0	

Legend:

yellow= bottles dropped but no cust ret. From 1st sem rpt appx E, p 59

bold = randomly generated locations from Jan-June 05 routine list

~~rose= locations not included in compliance because don't meet the 1st Appx E~~

red text= locations not on routine list but sampled.

green text/yellow = locations listed in appx E but not on 'routine list'

blue text = appx H, p 88 dropped locations

Address	Quadrant	Ripe Material	Jan-June 05 results	Comments
b6: Home Addresses	NE	Lead		Not listed in appx E. Why not?
	NW	Lead		Not listed in appx E. Why not?
				Why is this location listed in appx E, when it only appears as a new location for July-Dec 05 (and not in any list for Jan-June 05)?
	NE			
	SE	Lead		Not listed in appx E. Why not?
			0	
				Why is this location listed in appx E, when it only appears as a new location for July-Dec 05 (and not in any list for Jan-June 05)?
	NW			
	NW	Lead	0	
				is listing in Appx E incorrect? There is data associated with this location in Appx A.
	NW	Lead	4	
	NE	Lead		Not listed in appx E. Why not?
	NE	Lead		Not listed in appx E. Why not?
	NW	Lead	13	
	SW	Unknown		
	SE	Lead		Not listed in appx E. Why not?
	NW	Lead		Not listed in appx E. Why not?
	NW	Unknown	3	
	NW	Lead		Not listed in appx E. Why not?
	NW	Lead	1	
	NE	Lead		Not listed in appx E. Why not?
	NW	Lead	10	
	NW	Unknown	2	

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Address	Quadrant	Pipe Material	Jan-June 05 Results	Comments
b6: Home Addresses			6	How did WASA determine that this was not tier 1?
	NE	Lead	12	
	NW	Lead	5	
	NW	Lead		Not listed in appx E. Why not?
			3	How did WASA determine that this was not tier 1?
	SE	Lead		
	NW	Lead	1	Stopped volunteering OK
	NW	Copper		Full LSLR OK. Was it incorrectly ID'd as copper prior to LSLR?
	NE	Lead		Not listed in appx E. Why not?
	NE	Lead		
	NW	Lead	8	
	NW	Lead	26	
	NW	Lead	5	
	SE	Lead		Not listed in appx E. Why not?
	NE	Lead		Not listed in appx E. Why not?
	NW	Lead		Not listed in appx E. Why not?
	NW	Lead	12	
	NW	Lead	2	
	NW	Lead		Not listed in appx E. Why not?
	NW	Lead	27	Stopped volunteering OK
				Why is this location listed in appx E, when it only appears as a new location for July-Dec 05 (and not in any list for Jan-June 05)?
	NW	Unknown	6	
	NW	Lead	7	
	NW	Unknown	8	
	NW	Lead	15	
	NW	Lead	0	
	NW	Lead		Not listed in appx E. Why not?

Legend:

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blue text = appx H, p 88 dropped locations

Address	Quadrant	Pipe Material	Jan-June 05 results	Comments
b6: Home Addresses	NW	Lead		
	NW	Lead	17	
	NW	Lead		
	NE	Lead	0	
	NW	Unknown	5	
	NW	Lead	4	
			Passed this semester	no data this semester. Conflicts with Appx H statement
	NW	Brass		
	NW	Unknown	5	
	NW	Lead	11	
	NW	Lead	14	
	NW	Unknown	22	
	NW	Unknown	6	
	NW	Lead	11	
	NW	Lead	2	
	SE	Lead		Not listed in appx E. Why not?
	NE	Unknown		
	NW	Lead	5	
	NW	Lead	5	
	NW	Lead	64	
	NW	Copper	2	Passed this semester OK
			2	
	NE	Lead		Not listed in appx E. Why not?
	NW	Lead	4	
	NW	Unknown	4	
	NW	Lead	3	
			Passed this semester	no data this semester. Conflicts with Appx H statement
	NW	Brass		
	NW	Lead	5	
	NW	Lead	3	
			2	
	NW	Lead	14	
			5	
	NW	Lead	15	
	NW	Lead	2	
	NW	Unknown	2	

Legend:

yellow= bottles dropped but no cust ret. From 1st sem rpt appx E, p 59

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blue text = appx H, p 88 dropped locations

Address	Quadrant	Pipe Material	Jan-June 05 results	Comments
b6: Home Addresses	SE	Lead		Not listed in appx E. Why not?
	NW	Lead	4	
	NW	Lead	4	
	NW	Lead	4	
	NW	Lead	0	full LSLR prior to sampling. confirm date of full LSLR wrt sample date of 3/28/05. Also, how did WASA determine that this was not otherwise Tier 1?
	NW	Lead		Not listed in appx E. Why not?
	NW	Lead		
	NE			Why is this location listed in appx E, when it does not appear elsewhere in the Jan-June 05 lists?
	NW	Lead		Not listed in appx E. Why not?
	NW	Lead	8	
	NW	Lead	1	
	NE	Brass	0	Passed this semester OK
	NE	Lead	20	
	SE	Lead		Not listed in appx E. Why not?
	NW	Unknown	7	
	NE	Lead		Not listed in appx E. Why not?
	SE	Lead		Not listed in appx E. Why not?
	NE	Lead		Not listed in appx E. Why not?
	NW	Unknown		
	NE	Lead		Not listed in appx E. Why not?
	NW		3	Why is this location listed in appx E, when it only appears as a new location for July-Dec 05 (and not in any list for Jan-June 05)?

Legend:

yellow= bottles dropped but no cust ret. From 1st sem rpt appx E, p 59

bold = randomly generated locations from Jan-June 05 routine list

~~rose = locations not included in compliance because don't meet Fe: 1 Appx E~~

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green text/yellow = locations listed in appx E but not on 'routine list'

blue text = appx H, p 88 dropped locations

Address	Quadrant	Pipe Material	Jan-June 05 results	Comments
b6: Home Addresses	NW	Lead	10	
	NW	Lead	5	
	NW	Lead	5	
			11	
	NW	Lead		
	NE	Lead		Not listed in appx E. Why not?
	NE	Lead		
				Why is this location listed in appx E, when it only appears as a new location for July-Dec 05 (and not in any list for Jan-June 05)?
	SE			

Comments on DCWASA Jan- June 2005 LCR data submitted 27 June 05

- At the close of the 1st paragraph DC states in italicized letters that "DCWASA will try to provide customers with sampling results from their taps within 30 days of taking the sample and within three business days of receiving the results from the lab but is not obligated to comply with this request". Under paragraph 85 of the order on consent DCWASA is obligated to provide results within 3 days from receipt of results from the laboratory, but need *only exercise best efforts* to provide results within 30 days of collection, recognizing that laboratory response time is outside of WASA's control.
- How did WASA calculate the 90th percentile for copper? Using the data in Appendix A, the 90th percentile value is 87 **b6: Home Address**
- **b6: Home Address** from comparing the sample times it appears that the first and second draw are reversed with the first draw being 10 ppb (10:30) and the second draw 6 ppb (8:30) .
- Other Lab sheet questions re: sample times on first and second draw
 - **b6: Home Address** second draw at 8:00
First draw 4:30
 - **b6: Home Address** 2nd draw- 6:30
1st draw- 5:30
 - **b6: Home Address** draw- 6:00
1st draw- 7:00
 - **b6: Home Address** 2nd Draw- 23:30 (11:30 pm)
1st draw- 7:30
 - **b6: Home Address** 2nd draw- 8:50
1st draw- 6:30
 - **b6: Home Address** 2nd draw-8:30
1st draw- 10:30
 - **b6: Home Address** 2nd draw- 7:30
1st draw- 21:30 (9:30)
- **b6: Home Address** the first and second draw are reversed on the table but labeled correctly on the lab sheets the first draw should be 3 and the second draw is 0 ppb lead.
- Are **b6: Home Addresses** meant to be the same location? The lab sheet and Appx. A say **(b) (6)** The routine list says **(b) (6)** Which location was actually sampled? Which location was sampled in the past (and therefore 'routine')? If sample bottles were delivered to the wrong address, what is the service line material of that address?

- From review of the data table it appears that all the customer sample results were sent on the same day that the results were received from the lab. Please confirm that it is not an automatic data entry field.
- Of the samples that were eliminated, how did WASA determine that they did not qualify as Tier 1 samples 141.86 (a)(3)(i)?
- WASA's report states, with respect to Appendix D, "It is important to note that the data from these two programs could not be separated." Why can't LSLR samples be separated from other customer samples? The partial LSLR post-replacement samples are submitted to EPA without the larger group.
- There are 37 locations listed in Appx E, where bottles were dropped but customers did not participate. WASA states that 188 sets of bottles were dropped, and 107 samples were received. $188 - 107 = 81$. Why were some locations left out of Appx E? Also, please supply a complete list of the 188 locations.
- Attached is an spreadsheet that combines Appendices B, E, and H with the routine monitoring list, as identified in Appendix F as "Appendix C, table 1...submitted to EPA January 10, 2005". Please respond to questions/comments in column E.

Comments on July – December 2005 sampling plan.

- If a new (randomly generated) location did not return samples for Jan - June, why keep it on the 'routine' list? Is some additional outreach being done to those locations to encourage them to participate in July-Dec 2005? The list will become misrepresentative of what is 'routine' if locations that are never actually sampled are carried on it for a year.

• (b) (5)

- How does this list compare to plans for LSLR for the remainder of 2005? Are there streets scheduled to be replaced that are represented on the planned sampling list?

- Sampling instructions to Homeowners could be clarified in step #3. Step #2 just stated that the bottle is to be filled to within an inch of the top and then step #3 references "When the bottle is full..." It should be clarified to be within an inch of the top as stated in #2, same for #6.
- In #7 there should be a phone number or more detailed instructions for arranging timely pick up of the samples.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Avis M. Russell, General Counsel
District of Columbia Water and Sewer Authority
5000 Overlook Ave, SW
Washington DC 20032

Re: Lead and Copper Compliance Report January - June 2005
Lead and Copper July - December 2005 Sampling Plan

Dear Ms. Russell,

EPA has conducted a preliminary review of the compliance report and sampling plan. Enclosed you will find a list of questions and a spreadsheet with questions associated with specific addresses. At this point, however, none of EPA's concerns seem to affect the calculated 90th percentile value for lead. The calculation of the 90th percentile for copper is included as one of EPA's concerns, although it appears to be well below the action level.

WASA can choose to respond in writing. Alternately, we can address some or all of the concerns through a conference call. Please contact Lisa Donahue at 215-814-2062 if you have any questions.

Sincerely,

Karen D. Johnson, Chief
Safe Drinking Water Act Branch

Enclosures

cc: Rich Giani, DCWASA





b6: John Capacasa email

03/02/2004 09:18 PM

To: Karen Johnson/DC/USEPA/US@EPA
cc: Victoria Binetti/R3/USEPA/US@EPA
Subject: Message from Jon C - DC Emergency Management Meeting
Wednesday

Karen - thanks for traveling to DC on Wednesday to help us cover an emergency management meeting on the DC lead issues. The meeting was mentioned by the City Administrator Robert Bobb during our meeting there today, and by his point person who heads up the Emergency Lead Team, - Barbara Childs.

When we spoke to Barbara she was excited about EPA's offer to assist with possibly ordering WASA to do some things that she has been trying to get done through WASA. You should be aware that most city agencies will be represented at this meeting including WASA, so you may need to be firm but somewhat conscious about WASA's presence there.

Here are the meeting details:

Mayor Williams Press Conference announcing the purchase of Water Filters and a corporate donation of filters to begin the roll out to DC customers.

10:30 am in the Wilson Building which is one block closer to the White House on PA Ave next to the Reagan Building. (Optional for you to attend in case you want to see what DC is announcing)

3:00 PM Meeting of the Emergency Management team working on Lead
14th and U Streets NW in DC - 8th floor of building known as the Reece Center or something like that
(2000 14th Street NW)

Contacts are Barbara Childs - Chair of this group

Phone number on cell is (b) (6)

or Sandy Perkins (b6: cell phone, staff contact)

Our purpose in attending the meeting is to see the scope, schedule and effectiveness of the response regarding provision of alternate water (or filters) and to determine if we need to take an enforceable order later in the week. The order would most likely be directed to WASA, not DC Govt at this time.

We heard Barbara today complain about not getting things from WASA she needed to run an effective response plan. Details of this are important.

I will send you separately a WISH LIST of DC Government actions that we are seeking.

We will be compiling a separate WISH LIST for WASA.

Call me in work if you have any questions or want to review the background in full detail. Thanks.

Jon C



Victoria Binetti

09/27/2004 03:23 PM

To: Jon Capacasa/R3/USEPA/US@EPA

cc: KarenD Johnson/R3/USEPA/US@EPA, Tom

Voltaggio/R3/USEPA/US@EPA, Rick Rogers/R3/USEPA/US@EPA

Subject: Re: Post - Lead in Drinking Water stories PLEASE READ

I agree with Jon's comments. Also, and maybe Karen can verify:

#1 Cheating on Tests: Not sure what this means. We have heard anecdotes since the DC situation made the news about utilities averaging test results (get a high number, re-test, average first and second tests for site), but we have no sense of how widespread this is. Apparently, some States may have differing interpretations of the LCR requirements.

#2 Withholding results, failed to test high lead-level homes, etc.: (b) (5)

however, I have no knowledge of how widespread such practices might be. The Post did ask Philadelphia Water Department about one high value the PWD excluded from its routine reporting, which would have caused PWD to exceed the Action Level had it been included. According to PWD, the sample result was uncharacteristically high for the location (one its regular sampling sites). Upon investigation, it turned out the resident had recently had plumbing work done; later sampling showed it returned to its usual lower levels. We understand that PWD got written approval (I think an e-mail, but perhaps other correspondence) from PADEP to exclude that sample from that monitoring period. I know PWD explained this to the Post. I suppose the question is whether this reason satisfied the "invalidation" criteria.

#3 Weak regulatory programs, allowing systems to avoid addressing mandatory corrections: We recently heard presentations by a few communities that handled their lead issues "outside the box." Portland, OR negotiated with State regulators to undertake a comprehensive, community-wide lead education and exposure-reduction program, rather than add chemicals (corrosion inhibitors) to its finished water, or elevate the water pH to the level determined necessary for corrosion control (very high--I think above pH 10.5). Instead, Portland has funded numerous lead awareness and education activities in the community, covering other lead sources believed to be more critical in lead poisoning & prevention. Portland has implemented other tweaks to their water chemistry (much less radical change in pH), and has gradually reduced the lead concentration, to the point where they are now (very recently) under the lead action level. I don't think they ever had any lead service lines, they were simply trying to avoid adding more chemicals to their water.

Also, Seattle reported on another, decades-long effort to reduce corrosion (and elevated lead levels), which they initiated before the LCR. (I don't believe they had lead service lines, either.) A lead ban in Seattle pre-dated the LCR, and their principle problem was corrosive water and existing lead in solder and plumbing. They actually worked to eliminate lead solder, and gradually (over many years) adjusted water chemistry to reduce lead. They entered into a compliance agreement with Washington State Dept. of Health in 1997, and are now under the Action Level. They also undertook extensive community education (on exposure reduction for all sources of lead) during the compliance agreement period.

Folks in OGWDW (Veronica Blette, Lisa Christ) know the full stories for both of these utilities, and can provide more information.

#4 Enforcement: I believe there were many, many more enforcement actions in the latter 1990s, because it was then we found that many systems (including many small systems) hadn't initiated monitoring at all, the first step to determine whether or not they even had exceedances, and hadn't done follow-on OCCT studies. (Implementation was staggered, so that the largest systems are the ones that started monitoring first (January 1992), then medium, then the small systems (July 1993).) Consequently, EPA took many enforcement actions--on the order of hundreds in Region III, alone, I believe. The fact is that we are past that start-up stage, and additionally the States have also assumed responsibility for enforcement. (We had earlier "supplemented" the States' limited enforcement efforts.)

#5 Flushing advice: This certainly turned out to be a concern for DC, in that running water for a minute or so, according to our "mandatory" advice for residents with lead service lines, leads to higher

concentrations of lead. It takes longer than our regulatory language suggests to reach "clean" water from the water main. (And this could vary, depending on individual home construction.) In any case, this really confounds any approximation of exposure, and consequently, any ability to infer the effects of exposure (e.g., elevated blood lead levels).

A second, perhaps more serious concern is that EPA mandatory language advises folks to flush their taps for 30-60 seconds after a period during which water hasn't run (6 hours or more). However, some findings in DC suggest that lead can reach levels above the AL pretty rapidly, even within 30-60 minutes of inactivity. Thus, we have eliminated that piece of the advice from our consumer flushing guidance, and advise folks to flush (equivalent of 10-minute flush if one has a lead service line) before drawing water for drinking or cooking.

I suspect the same is true elsewhere, although the DC system may be exaggerated because of the dramatic loss of scale/pipe coating.

--Vicky

Victoria P. Binetti
Associate Director for Municipal Assistance (3WP20)
Water Protection Division
U.S. Environmental Protection Agency, Region III

Phone: (215) 814-5757
Fax: (215) 814-2318
Jon Capacasa

Jon Capacasa
09/27/2004 01:19 PM

To: Tom Voltaggio/R3/USEPA/US@EPA
cc: Victoria Binetti/R3/USEPA/US@EPA, KarenD
Johnson/R3/USEPA/US@EPA
Subject: Re: Post - Lead in Drinking Water stories PLEASE READ

My quick reaction Tom is this, but will ask Karen Johnson and Vicky to also give their perspectives. The Lead and Copper Rule was launched in 1991 as a federal regulation. The ramp up time for state adoption and implementation of the rule took several years in the early, mid even late 90's.

There were likely a lot more opportunities early on for formal enforcement during the start-up phase of a rule if communities and systems weren't conducting the monitoring or taking actions when action levels are triggered. 2004 is 13 years into implementation of the rule and most systems would have attained the action level.

(b) (5)

More later...

Tom Voltaggio/R3/USEPA/US@EPA



Tom
Voltaggio/R3/USEPA/U
S@EPA
09/27/2004 01:07 PM

To: Jon Capacasa/R3/USEPA/US@EPA, Victoria
Binetti/R3/USEPA/US@EPA
cc:
Subject: Post - Lead in Drinking Water stories PLEASE READ

Thoughts?

Tom Voltaggio
Deputy Regional Administrator
Middle Atlantic Regional Office
US Environmental Protection Agency

----- Forwarded by Tom Voltaggio/R3/USEPA/US on 09/27/2004 01:07 PM

Cynthia Bergman

To: Thomas
Skinner/DC/USEPA/US@EPA, grumbles.benjamin@epa.gov,
09/27/2004 01:00 Cynthia
Dougherty/DC/USEPA/US@EPA, Veronica Blette/DC/USEPA/US@EPA,
PM Thomas Damm/R3/USEPA/US@EPA,
Tom Voltaggio/R3/USEPA/US@EPA, Donald
Welsh/R3/USEPA/US@EPA
CC:
gochnour.natalie@epa.gov, Rich McKeown/DC/USEPA/US@EPA,
milbourn.cathy@epa.gov
Subject: Post - Lead in

Drinking Water stories

PLEASE READ

Please see the attached findings, which are:

Utilities are cheating
EPA isn't monitoring even at most basic level
EPA isn't enforcing/not a priority
Bush Admin numbers pale in comparison to Clinton Admin
Our flushing advice may be putting more people at risk

Ben - they are calling attn to the second draw tests - please let me know your thoughts - we still have time to respond. The Post is calling this 'flawed advice'
Skinner- Can you confirm their numbers on enforcement - In 2003, EPA issued orders for lead violations in 14 cases, less than one tenth the number in 1997?

We will need to be prepared with a response/desk statement at the very least.

Veronica - I will call you to discuss how we tackle this.

Once this runs, this is very much a national (not just R3) story.

Cynthia

----- Forwarded by Cynthia Bergman/DC/USEPA/US on 09/27/2004 12:48 PM

Carol D Leonnig

<leonnigc@washpo
st.com>

09/27/2004 12:39
PM

To
Cynthia Bergman/DC/USEPA/US@EPA
cc
Subject

Dear Cynthia ,

The Post plans to publish our lead stories in the next day or so.
Please

find attached a summary of findings, in the event the agency has a
response, and feel free to contact me.

Please note in particular the question regarding the second-draw
problem

(#5). When asked about this problem during the unfolding D.C. crisis,
Ben

Grumbles said there seemed to be no need to overhaul the national
testing

regimen for lead in water. We are interested to know if the agency
thinks

there is still no reason to overhaul testing protocol - or the EPA
flushing

advice nationwide, beyond 1 minute now recommended - while our analysis
of

test results shows that second-draw tests have higher lead findings in
several other communities.

Best,
Carol

(See attached file: leadfindings-EPA.doc)



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Washington Post findings from research of lead regulations and tests across the country:

- 1. Major utilities across the country are manipulating and cheating on their tests to measure lead in the water. A widespread pattern of rule-breaking leaves communities large and small with a false sense of security about the quality of water and lets utilities avoid spending money to correct the problem.
- 2. The Post found dozens of utilities that have, among other things: withheld high lead test results without telling regulators; withheld such results with regulators' permission but without legally-acceptable reasons; failed to test water in the required high-risk homes in their communities; repeatedly changed where they tested without required explanation; and repeatedly dropped homes where they previously found high lead levels.
- 3. The Post review found a weak regulatory program at all levels. Many utilities for years ignored the law's requirements to fix lead problems even when they reported unsafe lead levels, and they faced no consequences for their inaction. State regulators have helped utilities avoid costly fixes. The Environmental Protection Agency, which is supposed to ensure that states are monitoring utilities, has also let communities ignore even the most basic requirements to report and reduce lead.
- 4. The review found a barely extant federal enforcement program for lead rules, mirroring the low priority given overall to enforcement of safe drinking water laws. EPA devotes four times the enforcement resources to ensure sewage dumped into rivers and streams is properly treated than to ensure that water is safe to drink. In 2003, records show the EPA issued orders for lead violations in just 14 cases, less than one tenth the number in 1997 and a tiny fraction of orders issued under other comparable rules.
- 5. The federal testing regimen for the last decade has failed to spot the severity of lead corrosion problems in cities with significant lead plumbing and service lines, a Post test analysis shows, and EPA flushing advice to the public may cause people in such communities to actually drink higher concentrations of lead. Second-draw tests are higher in several other cities besides D.C.. EPA's current flushing advice across the country puts the public in some cities at risk.